



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:  
**Binie V. Lipps**  
**Frederick W. Lipps**

Serial No.: 09/300,612

Filed: 27 April 1999

For:  
**ANTI-LTNF FOR IN VITRO ASSAY**  
**OF BIOLOGICAL TOXINS**

§ ATTY DCKT NO: FWLPAT012US

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Art Unit: 1645.

Examiner: Baskar, P.

*#14*

Commissioner of Patents and Trademarks  
Washington, DC 20231

**PETITION UNDER 37 CFR 1.181(a)(3) TO WITHDRAW HOLDING OF  
ABANDONMENT**

**--OFFICE ACTION NOT RECEIVED--**

1. A Notice of Abandonment dated September 17, 2001 (Attachment A hereto) has been received in the subject application.
2. I hereby petition to withdraw the holding of abandonment in this case on the basis that the Office Action forming the basis of the abandonment was not received until after the date of the notice.
3. I hereby state:
  - (a) The Office Action indicated as being mailed on December 18, 2000 was not received.
  - (b) A search of the file jacket, the docket records, and the client billing records in my office indicate that this Office Action was not received.
4. Attachments B1, B2, B3, B4 hereto are paper copies of pages from my docket records dated December 29, 2000, January 9, 2001, February 2, 2001 and March 2, 2001 showing where the non-received Office Action would have been entered under the designation FWLPAT012US for action on March 18, 2001 had it been received and docketed. Each of these docket records was further word searched for FWLPAT012US without positive result, further indicating that response was not misdocketed.

5. As additional evidence of non-receipt of the Office Action, Attachment C1 and C2 hereto are redacted copies of the applicant's billings dated January 16, 2001 and January 30, 2001, one of which would have shown an entry for the matter number (FWLPAT012US) had the Office Action been received and copied to the client during the billed periods, which cover the range from December 11, 2000 to January 30, 2001.

6. In consideration of these submissions it is respectfully requested that the holding of abandonment be withdrawn. *Delgar Inc. v. Schuyler*, 172 U.S.P.Q. 513.; Notice of October 25, 1993, 1156 O.G. 53. It is requested that the period for response be restarted effective October 10, 2001, which is the date the office action was finally received for the first time by fax.

7. The petition fee is paid as follows:

No fee is seen due for this petition under 37 CFR 1.181(a)(3). See MPEP 711.03(c).

Please mail correspondence to:

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Respectfully submitted:

 10-30-01  
John R. Casperson  
Reg. No. 28,198